

Federal Aviation Administration
Attn: Rules Docket, (AGC- 10)
Office of Chief Counsel
800 Independence Avenue, SW.
Washington DC 20591

Tuesday, January 6, 2004

RE: Petition for exemption to 14 CFR 121.345 (c)(2)

The Federal Express Corporation hereby petitions the Federal Aviation Administration for an exemption to 14 CFR 121.345. FAR 121.345(c)(2) states that, after January 1, 1992, transponders not meeting the requirements of TSO-C112 (Mode S) may not be newly installed on aircraft operating under the provisions of Part 121.

The exemption requested by Federal Express will apply to twenty-nine (29) Fokker F27 aircraft operated for Federal Express by Empire Airlines and Mountain Air Cargo. A list of tail numbers and serial numbers for these aircraft can be viewed in Attachment A.

Federal Express's exemption from the Mode S transponder requirement is in the best interest of the public from both safety and economic perspectives. An integral part of the Mode S system is the ground sensor. These ground sensors, when combined with Mode S transponders, better enable Air Traffic Control (ATC) to track aircraft position, thereby reducing the likelihood of mid-air collisions.

However, the Mode S ground system is still not complete. Without the appropriate ground sensors, Mode S transponders provide no more benefit to ATC than typical Mode C transponders. Thus, there will not be an unacceptable reduction in aviation safety as a result of the proposed exemption.

The proposed exemption will also generate benefits in the form of cost relief not only to Federal Express, but also, to our customers. Obviously, the expense of adding Mode S transponders to Federal Express's Part 121 aircraft will be paid by our customers via higher shipping prices.

In view of these facts, Federal Express Corporation requests that this petition be reviewed and an exemption granted.

Best regards,

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Attachment

Attachment A

FedEx F27 Aircraft Statistics

Aircraft Manufacturer	F27 A/C Tail #	F27 A/C Serial #	Aircraft Operator
Fokker	N701FE	10419	Empire Airlines
Fokker	N702FE	10350	Empire Airlines
Fokker	N703FE	10420	Empire Airlines
Fokker	N707FE	10371	Empire Airlines
Fokker	N708FE	10372	Empire Airlines
Fokker	N711FE	10383	Empire Airlines
Fokker	N720FE	10464	Empire Airlines
Fokker	N729FE	10385	Empire Airlines
Fokker	N730FE	10386	Empire Airlines
Fokker	N740FE	10329	Empire Airlines
Fokker	N741FE	10387	Empire Airlines
Fokker	N742FE	10349	Empire Airlines
Fokker	N705FE	10367	Mountain Air Cargo
Fokker	N706FE	10384	Mountain Air Cargo
Fokker	N709FE	10375	Mountain Air Cargo
Fokker	N710FE	10380	Mountain Air Cargo
Fokker	N713FE	10615	Mountain Air Cargo
Fokker	N714FE	10461	Mountain Air Cargo
Fokker	N717FE	10455	Mountain Air Cargo
Fokker	N718FE	10470	Mountain Air Cargo
Fokker	N719FE	10467	Mountain Air Cargo
Fokker	N721FE	10460	Mountain Air Cargo
Fokker	N722FE	10472	Mountain Air Cargo
Fokker	N723FE	10682	Mountain Air Cargo
Fokker	N724FE	10677	Mountain Air Cargo
Fokker	N725FE	10658	Mountain Air Cargo
Fokker	N726FE	10683	Mountain Air Cargo
Fokker	N727FE	10661	Mountain Air Cargo
Fokker	N728FE	10657	Mountain Air Cargo